

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Malik Noaman Alkamel,

File No. 22-cv-1630 (ECT/ECW)

Plaintiff,

v.

**ORDER ACCEPTING REPORT  
AND RECOMMENDATION  
IN PART**

B. Eischen, *FPC-Duluth Warden*,

Defendant.

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Magistrate Judge Elizabeth Cowan Wright issued a Report and Recommendation on February 9, 2022. ECF No. 12. No party has objected to that Report and Recommendation, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). I find no clear error with the R&R's legal conclusions that Petitioner's habeas petition should be denied on mootness and ripeness grounds, and that the action should be dismissed. However, because this dismissal is one for lack of subject matter jurisdiction, the action should be dismissed *without* prejudice. Accordingly, based on the R&R, and on all the files, records, and proceedings in this case, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 12] is **ACCEPTED** in part;
2. Plaintiff's Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241 [ECF No. 1] is **DENIED**; and

3. The action is **DISMISSED WITHOUT PREJUDICE.**

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: March 8, 2023

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court